IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 24712 of 2007(P)

PETITIONER:

KRISHNANKUTTY, AGED 48, S/O.ITTAMMAN,
CHILAMPILLY HOUSE, CHOWARA P.O., THETTALI,
ERNAKULAM DISTRICT.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS:

1. **THE DISTRICT COLLECTOR, ERNAKULAM.**
2. **THE MANAGING DIRECTOR,**
   HINDUSTAN PETROLEUM CORPORATION,
   ERNAKULAM.
3. **THE REVENUE DIVISIONAL OFFICER,**
   MOOVATTUPUZHA.
4. **ENVIRONMENTAL ENGINEER,**
   KERALA STATE POLLUTION CONTROL BOARD,
   ERNAKULAM.
5. **SREEMOOLANAGARAM GRAMA PANCHAYAT,**
   REPRESENTED BY ITS SECRETARY.
6. **SECETARY,**
   SREEMOOLANAGARAM GRAMA PANCHAYAT.
7. **SEBASTIAN, S/O.KOCHOUSEPH,**
   KALLARAKKAL HOUSE, CHOWARA P.O., ERNAKULAM DIST.
8. **THULASEEDHARAN, 66 YEARS,**
   KARTHIKA HOUSE, NEAR CHETTUNGAL TOURIST HOME,
   ANGAMALY P.O., ERNAKULAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD - R1
BY ADV. SRI.M.K.CHANDRAMOHANDAS , S.C. - R4
SRI.A.M.SHAFFIQUE , HPC - R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.24712 of 2007-P

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Dated this the 14th day of August, 2007.

JUDGMENT

The primary complaint of the petitioner is against a proposed petroleum outlet. He also states that there is filling up of paddy fields in violation of the Kerala Land Utilization Order. Going by the scheme of the Petroleum Rules and the relevant provisions, it is not appropriate that the Panchayat, the Revenue Divisional Officer, the District Collector, the Pollution Control Board and other authorities consider the issue separately without any liaisoning between them. While the District Magistrate is the authority under the Petroleum Laws, he is also an appropriate authority for the purpose of the Kerala Land Utilization Order framed under the Essential Commodities Act. The Environmental Engineer of the Pollution Control

Board can also be of assistance to the District Collector, if it becomes necessary. The views of the Panchayat would also be available, if the District Collector requires them. Under the aforesaid circumstances, I do not deem it necessary for the petitioner to have scouted various authorities making complaint.

Having regard to the totality of the facts and circumstances, after hearing the learned counsel for the petitioner, the learned counsel for the Petroleum Company and the learned standing counsel for the Pollution Control Board, this writ petition is disposed of directing that any complaint of the petitioner as made out in this writ petition shall gain the attention of the District Collector or his appropriate delegate in terms of law and if it is found that there are grievances which require further attention, necessary action in that regard shall be taken by the District Collector.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-